

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

October 6, 2003

**Nos. 03-3388, 03-3577, 03-3578, 03-3579, 03-3580, 03-3581,  
03-3582, 03-3651, 03-3665, 03-3675, 03-3708, 03-3894, 03-3950 & 03-3951**

Prometheus Radio Project, et al. v. FCC, et al.

Prometheus Radio Project, Petitioner in No. 03-3388  
Media General, Inc., Petitioner in No. 03-3577  
National Association of Broadcasters, Petitioner in No. 03-3578  
Network Affiliated Stations Alliance, et al., Petitioners in No. 03-3579  
Fox Entertainment Group, Inc., et al., Petitioners in No. 03-3580  
Viacom, Inc., Petitioner in No. 03-3581  
National Broadcasting Company, Inc., et al., Petitioners in No. 03-3582  
Sinclair Broadcast Group, Inc., Petitioner in No. 03-3651  
Media Alliance, Petitioner in No. 03-3665  
Paxson Communications Corporation, Petitioner in No. 03-3675  
National Council of the Churches of Christ in the United States, Petitioner in No. 03-3708  
Tribune Company, Petitioner in No. 03-3894  
Paxson Communications Corporation, Petitioner in No. 03-3950  
Emmis Communications Corporation, Petitioner in No. 03-3951  
(FCC No. 03-127)

Present: SCIRICA, Chief Judge, AMBRO and FUENTES, Circuit Judges

1. Motion by Network Affiliated Stations Alliance, ABC Television Affiliates, Association, CBS Television Affiliates Association and NBC Television Affiliates, Petitioners at No. 03-3579, to Reconsider Clerk's Order Denying Petitioners Motion for Leave to Intervene, or, to Clarify Intervenor Status;
2. Response by Intervenors and Petitioners, Fox Entertainment Group, Fox Television Stations, Viacom, Inc., NBC, Inc. and Telemundo Communications Group, to Motion to Reconsider Clerk's Order, or, to Clarify Intervenor Status.
3. Motion for Reconsideration of Clerk's Order Denying as Unnecessary Paxson's Motion for Leave to Intervene
4. Motion for Reconsideration of Clerk's Order Denying as Unnecessary Media General's Motion for Leave to Intervene

  
Gayle Burr 267-299-4921  
Case Manager

**Calendared at the convenience of the Court.**

**ORDER**

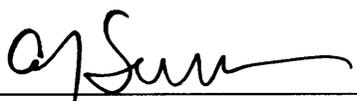
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The **foregoing** motions and response are considered. The motions to reconsider the Clerk's Order are granted in part. No party or intervenor will be permitted to file more than two briefs. Rather, the Court's Order of September 18, 2003 setting forth the briefing schedule shall be amended as follows:

1. The opening briefs and joint appendix for all Petitioners seeking to challenge the Media Ownership Order or any part thereof as being too expansive ("Anti-deregulatory Petitioners") shall be filed and served by hand or overnight mail on or before Tuesday, October 21, 2003. To the extent that the Anti-deregulatory Petitioners have common issues, the Anti-deregulatory Petitioners are directed to file a consolidated single brief. To the extent that Anti-deregulatory Petitioners have divergent issues, such issues shall be addressed in separate briefs. With respect to those separate briefs, Anti-deregulatory petitioners should not include sections which are repetitive of sections in the consolidated brief such as the jurisdictional statement, statement of the case, and the statement of facts.
2. Any Petitioner intending to challenge the Media Ownership Order or any part thereof as being too restrictive ("Deregulatory Petitioners") shall file and serve a brief that serves as both a principal brief on the issue(s) being raised by Deregulatory Petitioner(s) and as a responsive brief on the issues raised by the Anti-deregulatory Petitioner (i.e. arguments in support of the current expansion). Deregulatory Petitioners' briefs shall be filed and served by hand or overnight mail on or before Tuesday, October 28, 2003. To the extent that the Deregulatory Petitioners have common issues, the Deregulatory Petitioners are directed to file a consolidated single brief. To the extent that Deregulatory Petitioners have divergent issues, such issues shall be addressed in separate briefs. With respect to those separate briefs, Deregulatory petitioners should not include sections which are repetitive of sections in the consolidated brief such as the jurisdictional statement, statement of the case, and the statement of facts.
3. The FCC's brief, responsive to both Anti-Deregulatory and Deregulatory Petitioners' briefs, shall be filed and served by hand or overnight delivery on or before Tuesday, November 25, 2003.
4. The Anti-Deregulatory Petitioners shall file and serve briefs that are both responsive to any arguments raised by Deregulatory Petitioner's principal brief and in reply to both Deregulatory Petitioners' and the FCC's responsive briefs on or before Tuesday, December 9, 2003. To the extent that the Anti-deregulatory Petitioners have common issues, the Anti-deregulatory Petitioners are directed to file a consolidated single brief. To the extent that Anti-deregulatory Petitioners have divergent issues, such issues shall be addressed in separate briefs.
5. The Deregulatory Petitioners shall file and serve briefs in reply to the Anti-Deregulatory Petitioners' and FCC's responsive briefs on or before Tuesday, December 16, 2003. To the extent that the Anti-deregulatory Petitioners have common issues, the Anti-deregulatory Petitioners are directed to file a consolidated single brief. To the extent that Anti-deregulatory Petitioners have divergent issues, such issues shall be addressed in separate briefs.

6. Intervenor who are not otherwise parties to the actions shall file and serve their briefs by hand or overnight mail on the same day as the party or parties that they support. Intervenor shall not duplicate any portion of the brief filed by the party or parties that they support. All intervenors shall file a written statement advising the Court whether they will be filing in support of the Anti-deregulatory Petitioners or Deregulatory Petitioners within 7 days of the date of this Order. The written statements may be filed by electronic mail addressed to [emergency\\_motions@ca3.uscourts.gov](mailto:emergency_motions@ca3.uscourts.gov).

By the Court,

  
\_\_\_\_\_  
Chief Judge

Dated: **OCT 09 2003**

nmbl/cc: All Counsel of Record